

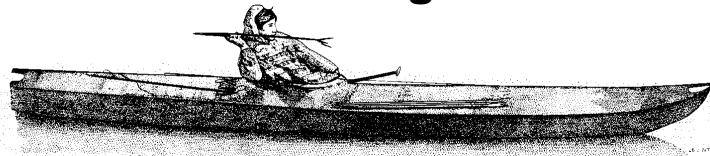


Fish & Wildlife Service
Bureau of Indian Affairs
Bureau of Land Management
National Park Service

Federal Subsistence Fisheries Management



Forest Service



October 1999

Questions and Answers

What do these regulations do?

These regulations expand federal management of subsistence fisheries in Alaska, effective October 1, 1999. When implemented, federal subsistence fisheries management will extend to approximately 60 percent of Alaska's rivers and lakes.

The regulations identify the federal waters involved and acknowledge existing authorities of the Secretaries of the Interior and Agriculture to intervene off of federal lands and waters to protect subsistence harvests on federal lands and waters. The regulations also determine the customary and traditional uses for fisheries and establish federal subsistence seasons, harvest limits, and methods and means restrictions.

Why is the government publishing these regulations?

The Secretaries are taking this action to comply with the 1995 federal court decision in the *Katie John* case. The court found that "the definition of public lands includes those navigable waters in which the United States has an interest by virtue of the reserved water rights doctrine" *Alaska v. Babbitt*, 72 F.3d at 703-704. As a result, the rural subsistence priority established in Title VIII of the *Alaska National Interest Lands Conservation Act* (ANILCA) applies to certain federal waters.

Is the federal takeover permanent?

No. Secretaries Babbitt and Glickman have repeatedly said that the best solution is for Alaska to return to compliance with the rural subsistence priority and to resume unified subsistence management across federal, state, and private lands.

Will the federal subsistence fishing regulations mean dramatic changes in existing fisheries?

Not at the outset. The federal subsistence fisheries regulations are very similar to existing State of Alaska subsistence fishing regulations. Few major changes in subsistence harvests are anticipated initially. We have a process for proposals to change the regulations for the 2001 regulatory year, through Regional Advisory Councils or the Federal Subsistence Board.

What waters will be affected?

The regulations apply on inland waters within and alongside the exterior boundaries of national wildlife refuges; national parks, monuments and preserves; national conservation and recreation areas; national wild and scenic river corridors; the National Petroleum Reserve in Alaska, and the Chugach and Tongass National Forests. Jurisdiction extends to fresh waters flowing through state, private, and Alaska Native corporation lands (but not the Metlakatla Reservation), within the boundaries of these federal land units.

Who manages the federal subsistence program?

The Federal Subsistence Board administers the federal subsistence management program, with the advice and insight of ten federal subsistence regional advisory councils. Members of the Federal Subsistence Board include a chair appointed by the Secretary of the Interior, and the Alaskan directors of five federal agencies: Fish & Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, U.S. Forest Service, and National Park Service.

What about non-subsistence fishing and fishing that takes place outside of federal waters?

The State of Alaska will continue to manage commercial, sport and personal use fisheries on all Alaskan waters. Subsistence activities on nonfederal lands and waters will continue under state jurisdiction. The new regulations focus on protecting the subsistence harvests of rural Alaskans on federal waters.

What led up to the publication of these regulations?

The State of Alaska managed fish and wildlife in compliance with Title VIII until 1989, when the Alaska Supreme Court in the *McDowell* case determined that the rural subsistence priority violated the Alaska Constitution. In 1990, the Federal Subsistence Board began managing subsistence wildlife harvests — but only limited fisheries on non-navigable waters — on more than 200 million acres of federal lands to comply with Title VIII and the rural subsistence priority.

In 1995, the federal court ordered the Secretaries of Interior and Agriculture to also assume responsibility for managing subsistence fisheries on all inland waters on and adjacent to Alaska federal conservation units, roughly 60 percent of Alaska's inland waterways. The Secretaries of Interior and Agriculture released proposed federal subsistence fishing regulations in December of 1997. Thirty-one public hearings on the proposed regulations from January through March, 1998, provided input and public comments on the regulations.

For more information, contact:

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